



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

02/10/23

12:29 PM

A2111013

February 10, 2023

Agenda ID #21356
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 21-11-013:

This is the proposed decision of Administrative Law Judge Thomas J. Glegola. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's March 16, 2023, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4).

/s/ MICHELLE COOKE

Michelle Cooke

Acting Chief Administrative Law Judge

MLC:mef

Attachment

Decision **PROPOSED DECISION OF ALJ THOMAS J. GLEGOLA**
(Mailed 2/10/23)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PropSF, LLC (VCC-94)
for Authority to Provide Scheduled
VCC Service to Treasure Island and to
Amend Rates for Prearranged Non-
Scheduled Service by Mileage.

Application 21-11-013

**DECISION APPROVING APPLICATION OF
PROPSF, LLC TO PROVIDE SCHEDULED SERVICE
BETWEEN SAN FRANCISCO AND TREASURE ISLAND****Summary**

This decision grants the application of PropSF, LLC (PROP). The California Public Utilities Commission authorizes PROP to offer scheduled vessel common carrier service between San Francisco and Treasure Island. The Commission also approves PROP's proposed amendments to its rates. Additionally, this decision grants PROP's request to extend indefinitely its authorization to offer unscheduled service throughout the navigable waters of San Francisco Bay and approves proposed changes to rates for unscheduled service. Finally, this decision accepts the stipulation filed by PROP on December 28, 2022, regarding PROP's offering unauthorized scheduled service and approving a proposed penalty of \$10,000.

1. Background

On November 16, 2021, PropSF, LLC (PROP) filed an application that, if approved, would do the following:

- amend its existing Certificate of Public Convenience & Necessity (CPCN) for Vessel Common Carrier (VCC) authority to provide new scheduled service between Treasure Island and the San Francisco Ferry Building;
- amend its unscheduled prearranged tariff fare (currently at \$20 per one way ride) to a tiered rate schedule, ranging from \$2.00/ride to \$20.00/ride depending on distance, and allow a \$150 per month unlimited ride option for short rides of less than two miles, including between Treasure Island to San Francisco Ferry Building;
- extend PROP's authorization to offer unscheduled prearranged service indefinitely (between points and places in San Francisco Bay and its navigable tributaries in the Counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo);¹ and
- delete bicycle charges from the scheduled and nonscheduled tariffs.

On December 22, 2021, Tideline Marine Group (Tideline) filed a protest to PROP's application. On July 1, 2022, Tideline filed a supplemental protest updating its protest. PROP filed a reply to the initial protest on January 3, 2022, and a reply to the supplemental protest on July 11, 2022.

On March 11, 2022, this proceeding was reassigned from Commissioner Martha Guzman Aceves to Commissioner John Reynolds. On

¹ Decision (D.) 21-04-007, adopted by the Commission on April 15, 2021, grants PROP authority to offer unscheduled, prearranged service between points and places in San Francisco Bay and its navigable tributaries in the Counties of San Francisco, Marin, San Mateo, Alameda and Contra Costa. The unscheduled routes must be where no public ferry operates as of the date of issuance and the authority expires two years from the date of issuance.

May 23, 2022, this proceeding was reassigned from Administrative Law Judge (ALJ) Daniel Buch to ALJ Thomas J. Glegola.

A prehearing conference (PHC) was held on June 23, 2022, to address the issues of law and fact and to determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary.

On December 12, 2022, a status conference was held to discuss potential findings made by the assigned ALJ that PROP's service between San Francisco and Treasure Island was unauthorized scheduled service.

On December 28, 2022, PROP filed a stipulation that agrees with the finding that its service was unauthorized scheduled service and proposes a penalty of \$10,000 for the violation. The proceeding was submitted as of December 12, 2022.

2. Jurisdiction

Public Utilities (Pub. Util.) Code § 1007 prohibits the operation of "any vessel for the transportation of persons or property, for compensation, between points in this state, without first having obtained from the Commission a certificate declaring that the public convenience and necessity require such operation . . ." This requirement applies to both scheduled and unscheduled, on-demand "water taxi" service using vessels over 30 feet in length and over five tons net register.²

Pub. Util. Code § 454 requires that a public utility shall not change any rate except upon a showing before the Commission and a finding by the Commission that the new rate is justified. Pub. Util. Code § 491 requires 30-day public notice to the Commission and to the public prior to any rate change by a public utility.

² Pub. Util. Code § 238(a) excludes vessels under 30 feet in length and under five tons net register from the definition of "vessel."

3. Issues Before the Commission

The issues to be determined or otherwise considered are:

1. How is the service currently being provided by PROP different from scheduled service? Did the previous application accurately describe the service being provided? Did PROP mislead the Commission about the nature and details of its “prearranged unscheduled” service?
2. Should the Commission approve PROP’s application to offer new scheduled service between Treasure Island and the San Francisco Ferry Building?
3. Should the Commission approve PROP’s proposed amendment to its unscheduled prearranged tariff fare?
4. Should the Commission extend PROP’s authorization to offer unscheduled prearranged tariff indefinitely?
5. Should the Commission approve PROP’s request to delete bicycle charges from the scheduled and nonscheduled tariffs to encourage ferry riders to bring their bicycles for environmental reasons?
6. Will the proposed services result in a direct or reasonably foreseeable indirect physical change in the environment such that such environmental review pursuant to the California Environmental Quality Act (CEQA) is required?
7. Are there impacts on environmental and social justice (ESJ) communities? This includes the extent to which approving the application impacts achievement of any of the nine goals of the Commission’s ESJ Action Plan.

4. PROP’s Existing Authority

D.21-04-007 authorizes PROP to offer unscheduled, prearranged service³ between points and places in San Francisco Bay and its navigable tributaries in

³ VCCs and the Commission use the terms “unscheduled,” “nonscheduled,” and “on call” interchangeably to describe the same or sufficiently similar type of ferry service.

the Counties of San Francisco, Marin, San Mateo, Alameda, and Contra Costa.⁴

D.22-02-005 grants PROP's request to reduce its rates for an unscheduled service route between the San Francisco Ferry Building and Treasure Island.

5. Tideline Protest

Tideline's initial protest, filed on December 22, 2021, asks the Commission to deny or dismiss the instant application, arguing PROP is not a reliable operator and is unfit to receive additional operating authority. In support of its position in the initial protest, Tideline asserts that PROP has not exercised its authority in the five years since the Commission issued a CPCN to PROP, noting the delays PROP encountered in exercising its authority, save for five to six months of scheduled service in 2018 to Redwood City and one unscheduled trip. Regarding the San Francisco to Treasure Island route, Tideline also asserts that the PROP did not provide proof of landing rights, nor did it provide proof that the Treasure Island Development Authority awarded the route to PROP.

PROP's response to Tideline's protest, filed January 3, 2022, contains proof of landing rights and its selection by the Treasure Island Development Corporation, the company responsible for construction developments on Treasure Island. At the PHC, Tideline indicated it did not dispute those facts,⁵ though when asked if it disputed whether PROP had exercised its authority,

⁴ The unscheduled routes must be where no public ferry operates as of the date of issuance of this decision, and the authority granted expires on April 19, 2023. *See* D.21-04-007 at 13:

We view this application as a pilot project considering PROP's intent to use this authority for unscheduled service to find a scheduled service route. Pilot projects generally are temporary in nature, though with the hope of learning new information or even leading to a more permanent project. With that in mind, along with noting the challenges the applicant has encountered in exercising authority previously granted to it, we limit the authority to offer unscheduled service to two years.

⁵ *See* PHC Transcripts at 22:23-23:5.

Tideline did not directly answer whether PROP offering service between San Francisco and Treasure Island was an exercise of its authority, though it “readily conceded” that PROP was offering ferry service between San Francisco and Treasure Island.⁶ Instead, Tideline, stated that it did not dispute that PROP made one unscheduled trip; rather, it disputed that one trip constitutes initiating service.⁷

5.1 Discussion

We find that Tideline’s supplemental protest does not add more to the issue of whether it disputes if PROP exercised the authority granted to it by the Commission, except offering to brief the issue in greater detail, or to state that the Commission has never authorized PROP to provide scheduled or non-prearranged service between Treasure Island and San Francisco.⁸

As a factual and legal matter, Tideline’s protest is incorrect regarding the issue of the Commission authorizing PROP to offer unscheduled service between San Francisco and Treasure Island. As discussed in Section 4, above, the Commission authorized PROP to offer unscheduled service throughout the navigable waters of San Francisco Bay, at routes that were unserved at the time the authorization was granted. Treasure Island is located within the navigable waters of San Francisco Bay, as is the ferry terminal located at the San Francisco Ferry Building. The Commission has not specifically authorized another ferry operator for the route between San Francisco and Treasure Island, and Tideline does not assert the Treasure Island route is served, by it or another

⁶ Supplemental Protest of Tideline Marine filed July 1, 2022, at 4.

⁷ See PHC Transcripts at 21:27-22:22.

⁸ Supplemental Protest of Tideline Marine filed July 1, 2022, at 4.

operator.⁹ Additionally, Tideline's statements at the PHC make some other key points in its initial protest moot, since PROP was awarded the contract by the Treasure Island Development Corporation, and it obtained landing rights. Given the change in circumstances, the inaccuracies in the Protest, and the lack of supporting information over whether PROP has not exercised its authority, we find Tideline's protest is incomplete and dismiss it.

It appears that the intended purpose of Tideline's confusing protest is to raise the issue of PROP's current service offering appearing to be unauthorized scheduled service, and Tideline's desire to know how the Commission interprets that service and, if the Commission determines that service is unauthorized, how the Commission will penalize PROP.¹⁰ That issue is discussed in Section 6, below.

6. PROP Currently Offering Unauthorized Scheduled Service

The issue of whether or not PROP has already been offering scheduled service, which this Commission has not yet authorized, was first raised at the PHC.¹¹ Tideline asserted that PROP was already offering the service it seeks in this application, based on a schedule on a windjammer sign stand at the dock at Treasure Island, as well as the Tideline's outside counsel being able to purchase tickets and immediately board a PROP ferry vessel.¹²

PROP states that it has changed its daily schedule to account for demand and other reasons, including on the following dates:

⁹ See PHC Transcripts at 23:10-14. A key component of PROP's authorization for unscheduled service adopted in D.21-04-007 is that the routes "must be unserved by public ferries as of the date of issuance of this decision." (Ordering Paragraph 1)

¹⁰ Supplemental Protest of Tideline Marine filed July 1, 2022, at 7.

¹¹ See PHC Transcripts at 13:28-21:5 and 23:20-27:22.

¹² PHC Transcripts at 22:24-22:26.

- March 1, 2022, when service commenced;
- March 7, 2022;
- March 14, 2022;
- April 4, 2022;
- June 13, 2022;
- July 5, 2022; and
- August 29, 2022.¹³

In its initial response, PROP asserted that the service it has been offering between San Francisco and Treasure Island is unscheduled. PROP defines unscheduled service as “service [that] does not operate pursuant to a fixed schedule that is contained in an approved VCC tariff.”¹⁴ PROP asserts scheduled service requires Commission-approved schedules contained in a tariff that must be adhered to under General Order (GO) 87.¹⁵

In its stipulation, filed December 28, 2022, PROP admits its service between San Francisco and Treasure Island was scheduled.

6.1 Discussion

We conclude that PROP has been offering unauthorized scheduled service because its ferry vessel consistently leaves at specific times, regardless of whether there are riders aboard the vessel¹⁶ and that PROP had offered the same service using the same fixed schedule for one period of roughly ten consecutive weeks (April 4-June 13), one period of roughly seven consecutive weeks

¹³ PROPSF, LLC Opening Comments (*Comments*), filed October 3, 2022, at 7.

¹⁴ *Id*

¹⁵ *Id* at 8.

¹⁶ See PHC Transcripts at 14:25-16:24

(July 5-August 29) and two periods of roughly three consecutive weeks (March 14-April 4 and June 13-July 5).

As part of its December 28, 2022, stipulation, PROP admits to offering scheduled service between San Francisco and Treasure Island, though PROP contends it did not do so with any intent to misrepresent or engage in activities for which it was not authorized.¹⁷

6.2. Proposed Penalty

As discussed at the December 12, 2022, status conference, operating ferry service without Commission authorization has consequences. As part of its December 28, 2022, stipulation, PROP proposes a \$10,000 penalty. PROP asserts that its proposed penalty is consistent with fines levied against vessel common carriers and charter party carriers for similar violations, including penalties for Harbor Carrier, Inc., Tri Star Limousine, Airport Transfer, and CYC Transport.¹⁸

We find that the penalty proposed by PROP is reasonable, in consideration of penalties for similar violations by similarly situated carriers. Additionally, we find the proposed penalty balances the need to penalize PROP's violation, but to do so in a manner that does not impact ferry service between San Francisco and Treasure Island, nor competition in the San Francisco Bay ferry service market. Therefore, we adopt the proposed fine of \$10,000.

7. Public Convenience and Necessity

In reviewing the public convenience and necessity of the application, which if granted would add a new scheduled ferry service route between San Francisco and Treasure Island, where the Commission has already authorized an unscheduled route, the Commission must examine the demand for

¹⁷ *PROPSF, LLC (VCC-94) Stipulation*, filed December 28, 2022, at 1.

¹⁸ *Id* at 3-4.

the proposed service, the fitness of PROP to meet that service, and the impact this service will have on competitors.

7.1. Demand for Service

In D.16-09-045, the Commission found that the San Francisco Bay Area faces increasing traffic and public transportation congestion, that there is a demand for increased ferry and water taxi services and a robust market for commuter services, and that additional vessel service routes would provide a fast commute around the Bay Area's most congested areas. In D.22-02-005, the Commission found an unmet need for ferry service between San Francisco and Treasure Island, and authorized PROP to offer unscheduled service to meet demand for the 600 residents currently living on Treasure Island, as well as the additional construction of 8,000 new housing units. At that time, the only public transportation options to and from Treasure Island were a municipal bus or service from a Transportation Network Company service (*e.g.*, Uber or Lyft).¹⁹ PROP reports at least 2,000 riders per month for every month between March 2022 and September 2022, except August.

7.2. PROP's Operational and Financial Fitness

PROP has operated on the San Francisco Bay as a for-hire charter since November 2015 and the Commission twice found that PROP demonstrated financial and operational fitness to provide VCC services, including as recently as 2021.²⁰ PROP currently operates a charter service for one large tech company, in addition to the Treasure Island to San Francisco route.²¹

¹⁹ D.22-02-005 at 5

²⁰ D.16-09-045 at Finding of Fact 4, D.21-04-007 at Finding of Fact 2.

²¹ *Comments* at 17.

7.3. Impact on Competitors

The Commission generally has favored competition in the market for VCC services, though each application for a new license in an existing market is examined in light of specific facts about existing service in that market.²² In this case, we do not find an impact on competitors because PROP proposes to offer ferry service at points currently unserved by other public ferries, and the only current ferry offering service between San Francisco and Treasure Island is PROP.

8. Proposed Rates

Pub. Util. Code § 451 requires that “[a]ll charges demanded or received by any public utility for . . . any service rendered or to be rendered shall be just and reasonable . . .” Pub. Util. Code § 454.2 allows a Zone of Rate Freedom (ZORF) for a passenger transportation service “which is operating in competition with other passenger transportation service from any means of transportation, if the competition together with the authorized ZORF will result in reasonable rates and charges for the passenger stage transportation service.” PROP requests approval of the following amendments:

- Revising its unscheduled prearranged tariff fare (currently at \$20 per one way ride) to a tiered rate schedule, ranging from \$2.00/ride to \$20.00/ride depending on distance (which is a rate decrease for any but the longest rides);
- Allowing a \$150 per month unlimited ride option for very short rides of less than two miles, including between Treasure Island to San Francisco Ferry Building;²³ and

²² See D.07-06-026 at 2.

²³ Application at 2.

- Removing the current \$5/bicycle charge from its scheduled and unscheduled tariffs.²⁴

In D.16-09-045, the Commission found the existing San Francisco Bay Area market was sufficiently robust that in the event both PROP and Tideline exercised rate flexibility it would not likely undermine the market. Thus, it was reasonable to allow both carriers the rate flexibility to determine fares based on market forces. Likewise, in D.16-09-045, we found both proposed fares to be just and reasonable pursuant to Pub. Util. Code § 451 and found the same in D.21-04-007, and in D.22-02-005 approved a new rate range of \$5 to \$20 per ride with a 20 percent ZORF. In general, PROP's requests here either will result in no changes to its existing rates, or reduced rates.

9. Environmental Review

The Commission is obliged to determine whether an application for authority to operate as a VCC is subject to environmental review pursuant to the CEQA. CEQA requires the lead permitting agency to conduct an environmental review of any "project" for consideration in determining whether to grant the requested authority. CEQA Guideline 15378(a)²⁵ defines "project" in relevant part as an action which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. PROP's application for scheduled service is to service points already approved in D.21-04-007. In D.21-04-007, we determined that PROP's proposed service would not result in a physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Here, the application does not meet the standard for a "project" and is not subject to

²⁴ *Comments* at 18.

²⁵ Cal. Code Regs. Tit. 14, § 15378 (2022).

environmental review under CEQA.²⁶ Operation of PROP's vessels continues to be subject to the rules, regulations, and requirements of the United States Coast Guard, including applicable Vessel Traffic System requirements.

10. Compliance with Commission's Environmental and Social Justice Plan

In February 2019, the Commission adopted its ESJ Action Plan as a comprehensive strategy and framework for addressing ESJ issues in each proceeding.²⁷ After reviewing this application, we find that it aligns with the intent of the Commission's ESJ Action Plan. While San Francisco and Treasure Island on their own may not be designated ESJ communities, we note that, currently, a number of lower-income individuals reside on Treasure Island. We also note that 27 percent of the housing units, or more than 2,000 housing units, in the completed development will be affordable housing.²⁸ Granting this application provides current and future low-income residents another public transit option for an area that has two (if companies such as Lyft or Uber are considered one option), at affordable rates, and at a schedule they can rely on to commute to work and other appointments in San Francisco.

²⁶ Commission precedent has routinely found that applications for authority to operate as vessel common carriers (where existing landing site facilities are used) are not subject to environmental review pursuant to CEQA because here "there is no possibility that the proposed service will have a significant effect on the environment." (*See, e.g.,* D.04-08-032, D.03-06-061, D.00-09-021, D.96-09-029, and D.94-09-023).

²⁷ The ESJ Action Plan is available on the Commission's website at <https://www.cpuc.ca.gov/news-and-updates/newsroom/environmental-and-social-justice-action-plan>.

²⁸ *Petition* at 3.

11. Approval of Application to Offer Scheduled Service

Given the benefits of offering scheduled ferry service between San Francisco and Treasure Island, we approve PROP's application for scheduled ferry service. We also approve PROP's request to extend indefinitely its authority to offer unscheduled service in the navigable waters of San Francisco Bay. Finally, we approve the proposed rate changes, given that the amendments allow for reduced rates.

12. Confidential Treatment of Financial Information

Concurrent with its application, PROP filed a motion to file under seal information contained in Exhibit B. Exhibit B contains financial statements and other commercial information that PROP asserts are "strategic and sensitive" and that the disclosure of this information to the public and other public ferry competitors, would be "materially injurious."²⁹ PROP further asserts that it maintains this information as confidential, including not disclosing the information to employees except on a "need to know basis."³⁰

No party objects to PROP's motion.

The Commission typically does not disclose balance sheets, income statements, and similar financial information, such as that contained in Exhibit B. These items typically fall under the definition of a protected trade secret under Civ. Code § 3426.1(d) because this information derives independent

²⁹ *Motion by PropSF, LLC (VCC-94) for Leave to File Confidential Information, Namely Exhibit B – Financial Information, Under to Seal Relating to Applications for Amended VCC Authority*, filed November 23, 2021, at 2.

³⁰ *Id*

economic value from not being generally known to the public³¹ as is the case here. PROP's motion to file under seal is granted.

13. Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3. Comments were filed on _____.

14. Assignment of Proceeding

John Reynolds is the assigned Commissioner and Thomas J. Glegola is the assigned ALJ in this proceeding.

Findings of Fact

1. There is demand for increased ferry and water taxi services in the San Francisco Bay Area.
2. The applicant is operationally and financially fit to provide the services proposed in this application.
3. The applicant's proposed operations will not result in a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment.
4. There is a robust market for commuter services in the San Francisco Bay Area, including public transit, transportation network companies, and private transportation, so that the applicant's exercise of rate flexibility is unlikely to undermine it.
5. PROP offered unauthorized scheduled service.

³¹ Civ. Code § 3426.1(d) defines "trade secret" as "information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

6. PROP admits that its ferry vessel servicing the route between San Francisco and Treasure Island departed and arrived at specific times, regardless of whether there were riders aboard the vessel.

7. PROP offered VCC service using the same fixed schedule for roughly ten consecutive weeks (April 4-June 13), roughly seven consecutive weeks (July 5-August 29) and the two periods of roughly three consecutive weeks (March 14-April 4 and June 13-July 5).

8. PROP proposes a penalty of \$10,000 to resolve its violation of offering unauthorized scheduled service.

Conclusions of Law

1. There is a public convenience and necessity need for PROP's proposed services.

2. The proposed operations are not a "project" as defined under, or therefore subject to environmental review pursuant to, CEQA.

3. The applicant's operations are subject to the rules, regulations, and requirements of the United States Coast Guard, including safety training and communication and coordination with the Coast Guard's Vessel Traffic System.

4. It is reasonable to allow PROP the rate flexibility to adjust their fares 20 percent above and below its base rate.

5. Modifications to a vessel common carrier's essential term of services as set forth in its certificate of public convenience and necessity may only be made by Commission authorization upon formal application to the Commission.

6. The Commission has not authorized PROP to offer scheduled VCC service between San Francisco and Treasure Island.

7. PROP has offered scheduled VCC service between San Francisco and Treasure Island.

8. PROP's proposed penalty is reasonable, in consideration of penalties for similar violations by similarly situated carriers and balances the need to penalize PROP's violation in a manner that does not impact ferry service between San Francisco and Treasure Islands, nor competition in the San Francisco Bay ferry service market.

9. The information PROP wishes to file under seal meets the definition of a protected trade secret under Civ. Code § 3426.1(d) because this information derives independent economic value from not being generally known to the public.

O R D E R

IT IS ORDERED that:

1. The application of PropSF, LLC is granted. PropSF, LLC is authorized to offer scheduled vessel common carrier service between San Francisco and Treasure Island.
2. The proposed rate changes are granted.
3. To implement the rates authorized by Ordering Paragraphs 1 and 2, PropSF, LLC shall, on or after the effective date of this order, file with the Commission's Consumer Protection and Enforcement Division revised tariff pages in accordance with General Order 117-Series. The revised tariff pages shall be made effective no earlier than 10 days after the date of filing.
4. PropSF, LLC shall:
 - a. File with the Commission's Consumer Protection and Enforcement Division a written acceptance of the amended Certificate of Public Convenience and Necessity within 30 days after this order is effective;
 - b. Establish the authorized service and file tariffs within 180 days after this order is effective;
 - c. Comply with General Orders Series 104, 111, and 117; and

- d. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities Code § 403 when notified by mail to do so.

5. PropSF, LLC shall comply with the rules, regulations, and requirements of the United States Coast Guard.

6. The amended Certificate of Public Convenience and Necessity to operate as a vessel common carrier (VCC-94), which is granted herein, shall expire unless exercised within 180 days after the effective date of this order.

7. The authorization in Decision 21-04-007 to offer unscheduled vessel common carrier service in the navigable waters of San Francisco Bay is extended indefinitely.

8. PropSF, LLC shall pay a penalty in the amount of \$10,000.00, by check or money order payable to the California Public Utilities Commission (Commission) and mailed or delivered to the Commission's Fiscal Office at 505 Van Ness Avenue, Room 3000, San Francisco, CA 94102, within 30 days from the date that this decision is issued. PropSF, LLC shall write on the face of the check or money order "For deposit to the General Fund."

9. The motion of PropSF, LLC to file under seal the materials designated as confidential in Exhibit B is granted. The designated confidential materials referenced shall remain under seal for three years after the date of this order. During this three-year period, the confidential materials shall remain under seal and not be accessible or disclosed to persons other than the Commissioners and Commission staff except on further order or ruling of the Commission, the assigned Administrative Law Judge, or the designated law and motion judge at the time of such ruling. If any interested party believes it is necessary for any of his information to remain under seal longer than three years, that party shall file a new motion stating the justification of further withholding the information

from public inspection. The motion shall be filed at least 30 days before expiration of this order.

10. All pending motions are deemed denied.

11. Application 21-11-013 is closed.

This order is effective today.

Dated _____, at San Francisco, California.